

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STEPHEN WALLACE,)
v. Plaintiff,)
JOHN WOOLMAN,)

Case No. 03-CV-0375-CVE-SAJ

v.)
JOHN WOOLMAN,)
Defendant,)

In The Matter of STEPHEN P. WALLACE,)
v.)
JOHN WOOLMAN,)

Case No. 04-MC-0044-CVE-SAJ

OPINION AND ORDER

On June 17, 2004, in Case No. 03-CV-375-H(J), the Chief Judge of the United States District Court for the Northern District of Oklahoma entered an Order¹ which imposed certain filing restrictions upon Stephen Wallace (the "Woolman Order"). The Woolman Order assessed attorneys fees against Wallace in the amount of \$11,014.00. The Woolman Order additionally imposed, as a sanction upon Wallace to prevent further frivolous filings, a procedure with which Wallace must comply in submitting pleadings to this Court for consideration for filing.

On December 21, 2004, General Order 04-15 established Case No. 04-MC-44-CVE-SAJ. Beginning December 21, 2004, in accordance with the Woolman Order, all pleadings submitted by Wallace are docketed in Case No. 04-MC-44-CVE-SAJ, and forwarded to a United States Magistrate Judge for review and Report and Recommendation.

¹ At the time that this Order was entered, the Chief Judge for the District Court of the Northern District of Oklahoma was Sven Erik Holmes.

The Court has reviewed the Woolman Order and concludes that it does not fully contemplate the filing by Wallace of objections to a Report and Recommendation of the United States Magistrate Judge. The Court therefore enters this Order which replaces paragraphs numbered one and two of the Woolman Order, clarifying the filing requirements and procedures.

With respect to any *pro se* pleading of any kind, Wallace is required to submit to the Clerk of this Court, an "Application and Affidavit" for a proposed filing, with the "Proposed Pleading," attached as an exhibit. The Application and Affidavit should request permission of the Court to file the Proposed Pleading and should also contain the information detailed in paragraph one (1), below.

1. The Application and Affidavit must contain Wallace's statement, under penalty of perjury pursuant to 28 U.S.C. § 1947, in proper form, which includes: (a) the legal basis for the Proposed Pleading; (b) the specific factual basis for the Proposed Pleading; (c) a statement that the issues raised in the Proposed Pleading have never been finally disposed of by any federal or state court and are not barred by the doctrines of *res judicata* or collateral estoppel; (d) the identity and nature of assistance by any third person in preparing the Proposed Pleading; (e) a statement that the factual allegations and/or legal arguments raised by the Proposed Pleading are (i) not frivolous or made in bad faith, (ii) warranted by existing law, (iii) not made for an improper purpose to cause delay or needless increase in costs, (iv) not made to avoid any order of any court, (f) a list of all witnesses and attachment of all documents which support the factual allegations of the Proposed Pleading, and (g) the Proposed Pleading which Wallace is requesting that the Court file (attached as an Exhibit to the Application and Affidavit). The Application and Affidavit for

Filing shall be scanned and numbered by the Clerk of the Court. However, the Application and Affidavit for Filing shall not be accepted for filing unless it is approved by Order of the Chief Judge or the Chief Judge's designee.

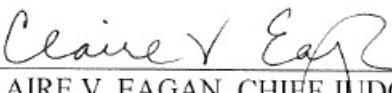
2. The Application and Affidavit, or any documents or pleadings submitted by Wallace to the Clerk of the Court, shall be referred to a United States Magistrate Judge to determine whether the documents or proposed pleadings meet the requirements outlined in paragraph one. The Report and Recommendation of the Magistrate Judge shall be filed of record and reviewed by the Chief Judge, or by a judge designated by the Chief Judge. Wallace is permitted, in accordance with the standard rules providing for objections to a Report and Recommendation, to submit an Objection to the filed Report and Recommendation. The Court Clerk shall file of record any such Objection to the Report and Recommendation in Case No. 04-MC-44.
3. The Chief Judge or the Judge designated to review the Report and Recommendation shall review the Objection filed by Wallace, if any, and the Report and Recommendation, and determine whether or not the Proposed Pleading, attached as an exhibit to the Application and Affidavit, or any other document submitted by Wallace shall be filed. Absent the approval of the Chief Judge, or the Chief Judge's designee, the Proposed Pleading or any other submitted pleading or document, except for the Objection to the Report and Recommendation, shall not be filed. If the Chief Judge or the Chief Judge's designee approves the filing, an order shall be entered by that Judge that the Court Clerk shall file the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall also indicate if the

pleading or document should be filed in Case No. 04-MC-44, or if a new case number should be opened for the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall, if the pleading or document is accepted for filing, outline any filing restrictions that will remain with respect to future pleadings or documents submitted by Wallace.

This Order is filed in Case No. 03-CV-375, and the miscellaneous action, Case No. 04-CV-44. This Order is intended to clarify the sanctions procedure imposed on Wallace for his conduct in Case No. 03-CV-375; Wallace must submit all pleadings to the Court in accordance with the this Order.

IT IS THEREFORE ORDERED that pursuant to this Order, the objections previously submitted in Case No. 04-MC-44 (Dkt. # 13) be filed of record.

DATED this 15th day of July 2005.



CLAIRES V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT